

REMARKS

The Office Action mailed January 24, 2005, has been received and reviewed. Claims 5-7, and new claim 26, are directed to Group II and should be under examination. Claims 5-7 stand rejected under 35 U.S.C. § 112, first paragraph, as assertedly lacking sufficient written description and enablement commensurate with the scope of the claims. The Office also requests a copy of the Declaration and Power of Attorney mailed June 13, 2002, and compliance with 37 C.F.R. §§ 1.821-1.825. All claim amendments are made without prejudice or disclaimer.

The applicants hereby petition for a three month extension under 37 C.F.R. § 1.136(a). The Commissioner is hereby authorized to charge any additional fee or to credit any overpayment to deposit account 20-1469.

Reconsideration is respectfully requested.

Support for the Claim Amendments:

Support for Claim 5 can be found throughout the specification, for example, in paragraph 13.

Support for Claim 26 can be found throughout the specification, for example, in paragraph 13. In addition, new claim 26 reads upon the invention of Group II.

No new matter has been added.

Declaration and Power of Attorney:

Submitted herewith are copies of the documents previously submitted on June 13, 2002, but that were apparently not properly scanned and entered into the file.

Sequence Listing:

Transmitted herewith is a replacement copy of the paper Sequence Listing and computer readable form, since the applicants are unable to clearly establish which copies the Office has received and which copies have been lost due to problems with the mail. However, the presently submitted copy is believed to be the same as the current copy.

Rejections under 35 U.S.C. § 112, first paragraph:

Claims 5-7 stand rejected under 35 U.S.C. § 112, first paragraph, as assertedly lacking sufficient written description and enablement commensurate with the scope of the claims. More specifically, the Office asserts that a kinase capable of phosphorylating Apoptin or a functional equivalent or functional fragment thereof are not adequately described or enabled by the specification. In order to expedite prosecution, the claims have been amended without prejudice or disclaimer to render the rejections moot. Reconsideration and withdrawal of the rejections are respectfully requested.

CONCLUSION

Claims 5-7 and 26 should be in condition for allowance, early notification of such is respectfully requested. Should questions remain after entry of the amendments and consideration of the remarks, the Office is invited to contact the applicants' representative at the number provided herein.

Respectfully submitted,



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GSD/gsd

Enclosures:

Petition for Extension of Time
Sequence Listing, including a paper copy, a CRF, and a Statement; and
A copy of the Declaration and Power of Attorney.